

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

4921 12th Avenue LLC,

Case No.: 18-47256-jmm

Debtor.

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Mark Frankel as Plan Administrator for 4921
12th Avenue LLC,

Adv. Pro. No.: 19-01120-jmm

Plaintiff,

-against-

Yehuda I. Salamon,
Yidel's Shopping Cart, Inc.
E-Commerce Expand, LLC,
Yidel's Online Food Station, LLC,
Yiddel's Shopping Cart, Inc.
d/b/a Riverstone Group, Riverstone, USA, LLC,
"John Doe No. 1 through John Doe No. 10",
inclusive, the last ten names being fictitious and
unknown to Plaintiff, persons or parties intended
being persons corporations or others,
being the current and/or former tenants or
occupants of the Debtor's real property located
4917-4921 12th Avenue, Brooklyn, New York,
and Ultimate Oppurtunities, LLC a/k/a
Ultimate Opportunities, LLC,

Defendants.

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ORDER VACATING DEFAULT JUDGMENT

UPON the application (the "Application") of Ultimate Oppurtunities, LLC *a/k/a* Ultimate Opportunities, LLC ("Ultimate"), by its counsel, the Law Offices of Avrum J. Rosen, PLLC, seeking the entry of an order pursuant to Rules 55 and 60 of the Federal Rules of Civil Procedure, made applicable by Rules 7055 and 9024 of the Federal Rules of Bankruptcy Procedure setting aside and vacating the entry of an Order of Default Judgment [Adv. Pro. Dkt. Nos. 110 and 111]

(the “Default Judgment and Order”) against Ultimate and in favor of Mark Frankel as Plan Administrator for 4921 12th Avenue, LLC (the “Plaintiff”) [ECF No. 144] (JMM); and the Application having come on for a hearing before the Court on ~~September 2, 2021~~ **September 13, 2021** (JMM); and Avrum J. Rosen, Esq., having appeared as counsel to Ultimate; and David K. Fiveson, Esq., having appeared as counsel to the Plaintiff; **and upon the Affirmation in Opposition to Ultimate Opportunities LLC’s Motion to Vacate Default Judgment** [ECF No. 146]; **and upon the Reply of Ultimate Oppurtunities, LLC a/k/a Ultimate Opportunities, LLC to the Plan Administrator’s Opposition to it’s Motion to Set Aside and Vacate the Entry of Default Judgment** [ECF No. 147] (JMM) ~~and there being no filed opposition to the relief requested, or any opposition having been overruled or withdrawn~~ (JMM); and the Court having found that: (i) notice of the Application was sufficient and no additional notice of or a hearing on the Application is required under the circumstances; (ii) the Court having reviewed the Application and having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and (iii) upon the entire record before the Court; it is hereby

ORDERED, that the relief requested in the Application is granted as set forth herein; and it is further

ORDERED, that the Default Judgment and Order, identified as Adv. Pro. Dkt. Nos. 110 and 111, are hereby vacated in their entirety; and it is further

ORDERED, that the Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**Dated: Brooklyn, New York
September 21, 2021**





Jill Mazer-Marino
United States Bankruptcy Judge